



Broncus Technologies, Inc.  
1400 N. Shoreline Blvd.  
Building A, Suite 8  
Mountain View, CA 94043  
[www.broncus.com](http://www.broncus.com)

(650) 428-1600  
(650) 428-1542 fax

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OCT 15 2004**

# Fax

To: Examiner D. Shay

From: Sanjay Bagade

Broncus Technologies Inc.

Fax: (703) 872-9306

Date: October 15, 2004

Phone: (703) 308-2215

Pages: 9 (including cover)

Re:

## **OFFICIAL FILING**

Application No.: 10/633,902

Examiner: D. Shay

Art Unit: 3739

In re application of: Joel D. Cooper et al.

Filed: 08/04/2003

For: METHODS FOR TREATING CHRONIC OBSTRUCTIVE  
PULMONARY DISEASE

Attorney Docket No.: E-001-004

### Comments:

#### Papers enclosed herewith:

1. Transmittal – 1 page
2. Fee transmittal + duplicate – 2 pages
3. Preliminary amendment – 5 page

PTO/88/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

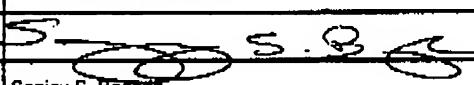
Total Number of Pages in This Submission **9**

Application Number	10/633,802
Filing Date	08/04/2003
First Named Inventor	Joel D. COOPER
Art Unit	3739
Examiner Name	D. Shay
Attorney Docket Number	E-001-004

## ENCLOSURES (Check all that apply)

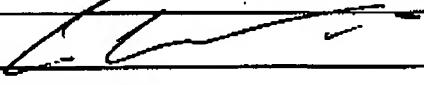
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply (5 pages)	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> 1. fax cover sheet (1 page)
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Broncus Technologies, Inc.		
Signature			
Printed name	Sanjay S. Bagade		
Date	10/15/2004	Reg. No.	42,280

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Signature			
Typed or printed name	Christopher Willink	Date	10/15/2004

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PTO/SB/17 (10-04v2)

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 27)

## Complete if Known

Application Number	10/633,902
Filing Date	10/15/2004
First Named Inventor	Joel D. COOPER
Examiner Name	D. Shay
Art Unit	3739
Attorney Docket No.	E-001-004

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None

 Deposit Account:

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502709  
Deposit Account Name

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 780	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims Fee from below	Fee Paid
23	-20** = 3 X 9 = 27	
1	-3** = 0 X 0 = 0	
Multiple Dependent		= 0

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim. If not paid
1204 68	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 27)

\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

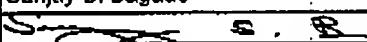
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to Institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,370	2453 685	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 660	2603 330	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 800	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)

(Complete if applicable)

SUBMITTED BY			
Name (Print/Type)	Sanjay S. Bagade	Registration No. (Attorney/Agent)	42,280
Signature		Date	10/15/2004

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Filing Date	10/15/2004
First Named Inventor	Joel D. COOPER
Examiner Name	D. Shay
Art Unit	3739
Attorney Docket No.	E-001-004

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 Deposit Account:

Deposit Account Number 502709  
Deposit Account Name

The Director is authorized to: (check all that apply)  
 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

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1002	350	2002	175 Design filing fee	
1003	550	2003	275 Plant filing fee	
1004	790	2004	395 Reissue filing fee	
1005	180	2005	80 Provisional filing fee	
SUBTOTAL (1)			(\$ 0)	

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	23	-20** =	3	Extra Claims	x	9	=	27	Fee from below	Fee Paid
Independent Claims	1	- 3** =	0		x	0	=	0		
Multiple Dependent										

Large Entity	Small Entity	Fee Description
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1203	300	2203 150 Multiple dependent claim, if not paid
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SUBTOTAL (2)		(\$ 27)

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051	130	2051 85 Surcharge - late filing fee or oath	
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1463	1,370	2463 685 Petition to revive - unintentional	
1501	1,370	2501 695 Utility issue fee (or reissue)	
1502	490	2502 246 Design issue fee	
1503	680	2503 330 Plant issue fee	
1480	130	1480 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1808	180	1808 180 Submission of Information Disclosure Stmt	
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Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$ 0)			

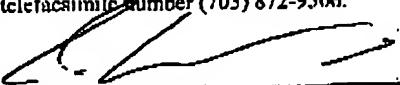
(Complete if applicable)

Name (Print/Type)	Sanjay S. Bagade	Registration No. (Attorney/Agent)	42,280	Telephone	650-428-1600
Signature				Date	10/15/2004

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By 

Christopher Willink

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**OCT 15 2004**

Application No.: 10/633,902

Confirmation No. 3792

Applicant: Joel D. COOPER et al.

Filed: 08/04/2003

Art Unit: 3739

Examiner: D. Shay

Docket Number: E-001-004

Customer Number: 36,544

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

#### **PRELIMINARY AMENDMENT**

Sir:

Amendment to the Claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.